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January 11, 2024

VIA ECF

The Honorable Leda D. Wettre, U.S.M.J.
United States District Court
Martin Luther King, Jr. Federal Building
50 Walnut Street, Room 2060
Newark, New Jersey 07102

Re: *Axsome Therapeutics, Inc., et al. v. Teva Pharmaceuticals, Inc.*
Civil Action No. 23-1695 (MEF)(LDW)

Dear Judge Wettre:

This firm, together with Quinn Emanuel, represents Plaintiffs Axsome Therapeutics, Inc. and Antecip Bioventures II LLC (together, “Plaintiffs”) in this case. Pursuant to Local Patent Rule 3.7, Plaintiffs respectfully request that Your Honor grant Plaintiffs leave to amend their Infringement Contentions in this matter, served on December 22, 2023.

Rule 3.7 provides that contentions may be amended “by order of the Court upon a timely application and showing of good cause.” Good cause exists where, “absent undue prejudice to the adverse party,” there is “consent by the parties in interest to the amendment and a showing that [the amendment] will not lead to an enlargement of time or impact other scheduled deadlines.” *Id.* As explained below, Plaintiffs’ application is timely and there is good cause for the amendment.

First, Plaintiffs’ request is timely because the need for the proposed amendment did not arise until last week when Plaintiffs discovered a handful of minor typographical errors shortly after serving their Infringement Contentions. This proposed amendment simply corrects those errors. Plaintiffs emailed Defendant Teva Pharmaceuticals, Inc. (“Teva”) last week regarding this issue and Teva consented to the amendment yesterday.

Second, there is good cause for Plaintiffs’ request because (1) Teva consented to the amendment, (2) the amendment is minimal, (3) the amendment arose very early in the case, and (4) the schedule will not be affected. For the same reasons, there is no prejudice to Teva.

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Accordingly, if this meets with the Court's approval, we respectfully request that Your Honor sign the below form of endorsement and have it entered on the docket.¹

Thank you for Your Honor's kind attention to this matter.

Respectfully yours,



Charles M. Lizza

cc: All counsel of record (via email)

SO ORDERED that Plaintiffs are granted leave to amend their December 22, 2023 infringement contentions as consented to by Teva on January 10, 2024.



Hon. Leda D. Wettre, U.S.M.J.

Dated: January 12, 2024

¹ In accordance with Your Honor's judicial preferences, and given the confidentiality of the contentions, we would be happy to e-mail a redlined copy of the infringement contentions that shows Plaintiffs' edits if the Court so wishes.